

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13015 of Curtis Properties, Inc., pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 to allow a subdivision and new residential development comprising eight row dwellings and one semi-detached dwelling and for variances to permit the required off-street parking in front of the proposed row dwellings (Sub-section 7205.1) and from the rear yard requirements (Sub-section 3304.1) in an R-5-A District at the premises 2100-2116 Bessie's Drive, S.E., (Square 5778, Lots 82, 83, 84, 85 and 86.)

HEARING DATE: November 7, 1979
DECISION DATE: December 5, 1979

FINDINGS OF FACT

1. This application was scheduled initially for the public hearing of August 22, 1979. It was continued to the public hearing of October 17, 1979 since the applicant had not complied with Section 3.33 of the Supplement Rules of Practice and Procedure before the BZA in that the applicant had never posted the property with notice of the public hearing. At the public hearing of October 17, 1979 the Board continued the case to November 7, 1979.

2. The present subject site fronts on W Street, S. E., and is west of Fort Stanton Park. It is in an R-5-A District. The applicant proposes to construct eight row dwellings and one semi-detached dwelling which will be perpendicular to W Street S. E. and which will be known as 2100-2116 Bessie's Drive, S. E.

3. The subject site is 100 ft wide by 180 ft deep and is unimproved. To the north of the site is a twenty-foot public alley. To the south is W Street. To the east is Fort Stanton Park and to the west are residences. Most of the surrounding uses are residential consisting of row houses and small detached dwellings.

4. The applicant proposes to construct nine houses subdividing the existing lots into one record lot and nine theoretical lots. He would construct and pave a private driveway that would cut through these theoretical lots between W Street and the public alley. Each lot would have an area of 1,800 sq. ft. The sidewalk abutting the property would run the same distance as the driveway.

5. The private driveway through the property will require that all nine parcels have an easement as to its use.

6. The first dwelling will be a semi-detached dwelling. Pursuant to the Zoning Regulations it faces W Street. It will not have a rear yard. The applicant is requesting a variance from the rear yard requirements for this one dwelling.

7. The applicant proposes to provide a surface parking space for each of the eight row dwellings on the front of the dwellings. Since the parking space will not be located in the rear or side yard the applicant seeks a variance from the Zoning Regulations.

8. Pursuant to Paragraph 3105.42 the application was referred to the D.C. Board of Education, the Dept. of Transportation, the Dept. of Housing and Community Development and the Office of Planning and Development for their review and report.

9. By memorandum dated July 23, 1979 the Superintendent of Schools reported that he had no objection to the proposed dwellings and that there would be no impact upon school facilities in the subject area.

10. The DOT by memorandum August 9, 1979 reported that no adverse impacts have been identified subject to the applicant constructing 100 feet of sidewalk along with W Street.

11. The DHCD by memorandum dated September 5, 1979, reported that the proposed development is compatible with its surroundings and is small enough so that it should have no adverse impact on existing facilities. It further reported that the proposal is consistent with the objectives of providing housing for families, in this case, homes which will probably serve families of moderate income. In addition, by adding housing to land that is presently vacant the housing will also serve as a stabilizing influence in the air. The DHCD had no objection to the application.

12. Contrary to the report of the Department of Housing and Community Development, the Board finds that the proposed development is not compatible with the surroundings. The large majority of existing dwellings in the area face the street. The proposed homes do not

13. The Board further finds that the applicant presented no justification in the record to support the granting of the variances. The requested variances derive from the applicant's proposed design for the site. The Board finds that fewer houses could be built with each facing the street with no variances required. The Board therefore finds that the proposed development over crowds the lot, requiring the variances.

14. There were no objections to the application either in the record or at the public hearing.

15. Advisory Neighborhood Commission 6C made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION

Based on the record the Board concludes that the proposed development would result in an over crowding of the site resulting in a negative impact on the environment. The Board further concludes that the design of the development as proposed is out of character with the predominant existing development of the area. The application does not meet the requirements of Paragraph 3105.42.

As to the variances requested, the Board concludes that the variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that no such showing has been made by the applicant. The Board concludes that the requested variances derive not from the property itself, but from the applicant's design for that property. The property would be over-developed. The Board concludes that approval of the application would tend to affect adversely the use of neighboring property and that the relief requested could not be granted without substantial detriment to the public good and without impairing the intent purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ordered that the application be DENIED.

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VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Charles R. Norris and Leonard L. McCants to deny, Connie Fortune not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 17 MAR 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."